

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER GIBNEY and ELAINE GIBNEY,

Defendants.

CASE NO. CR13-5568BHS

ORDER

This matter comes before the Court on Defendant Peter Gibney's unopposed motion to continue the trial date. The Court, having considered the unopposed motion, the affidavit of defense counsel Linda Sullivan in support of the motion, Defendant Elaine Gibney's joinder in the motion and the Defendants' speedy trial waivers, makes the following findings of fact and conclusions of law:

1. The defense needs additional time to receive and review discovery, some of which is voluminous, to perform its own independent investigation and to conduct legal research prior to filing pretrial motions and preparing for trial.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense, to explore resolution of

1 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §  
2 3161(h)(7)(B)(iv).

3 4. Proceeding to trial absent adequate time for the defense to prepare would result in a  
4 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

5 5. The ends of justice served by granting this continuance outweigh the best interests of  
6 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

7 6. Defendant Peter Gibney waived speedy trial through March 14, 2014. Defendant  
8 Elaine Gibney waived speedy trial through April 30, 2014.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from December 3, 2013, to February 25, 2014, at 9:00  
11 a.m. Pretrial Conference is set for February 24, 2014, at 9:00 a.m. Pretrial Motions are due by  
12 January 15, 2014. The resulting period of delay from November 14, 2013, to February 25, 2014,  
is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B).

13 Dated this 21<sup>st</sup> day of November, 2013.

14  
15  
16 

17 BENJAMIN H. SETTLE  
18 United States District Judge  
19  
20  
21  
22